

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE MUNICIPALITY OF SAN JUAN  
PUERTO RICO,**

*Plaintiff,*

v.

**EXXON MOBIL CORP. et al.,**

*Defendants.*

Case No. 3:23-cv-01608-ADC

**DEFENDANTS' MOTION TO STAY PROCEEDINGS**

TO THE HONORABLE COURT:

COME NOW Defendants, through their respective counsel, and respectfully state and pray as follows:

1. By Order entered on May 21, 2025, this Court referred the Motions to Dismiss and the Motion for Judicial Notice filed in this case to Magistrate Judge Héctor Ramos-Vega for a Report and Recommendation. Dkt. No. 222 (the “Referral Order”), at 1; *see id.* at 2-3 (table listing the filings referred to the Magistrate Judge). The Referral Order notes that the referral is based on “the similarities between the factual allegations and legal issues in this case and those in *Municipality of Bayamón, et al. v. Exxon Mobil Corp., et al.*, Civ. No. 22-1550 (SCC) (D.P.R.) [the “*Bayamón* case”], and given [Magistrate Judge Ramos-Vega’s] familiarity with the latter case.” *Id.* at 1.

2. In the *Bayamón* case, Judge Silvia L. Carreño-Coll referred the Motions to Dismiss and Motions for Judicial Notice filed by Defendants in that case to Magistrate Judge Ramos-Vega, who issued a Report and Recommendation on February 20, 2025 (the “R&R”). *See Bayamón* case,

Dkt. No. 315. Thereafter, the Parties in that case filed Objections to the R&R, Responses to said Objections, and Replies in further support of their respective Objections.

3. Defendants made numerous strong joint and separate objections to the R&R. For example, Defendants jointly objected to the Magistrate Judge's recommendations not to dismiss two of the four RICO claims and the antitrust claim, and the Magistrate Judge's recommendations applicable to all claims as to the First Amendment and *Noerr-Pennington* doctrine, the statute of limitations, and personal jurisdiction. *See* Defendants' Joint Objections To Report And Recommendation, Dkt. 326, *Municipality of Bayamon, et al. v. Exxon Mobil Corp., et al.*, Civ. No. 22-1550 (attached herein as Exhibit A). And while the Magistrate Judge recommended dismissing the Puerto Rico law claims for other reasons, Defendants objected that the court should join the rising chorus among "federal and state courts across the country that have rejected the availability of state tort law in the climate change context' precisely on federal preemption grounds, among others." *Id.* at 38 (quoting *Platkin v. Exxon Mobil Corp.*, 2025 WL 604846, at \*3 (N.J. Super. Ct. Law Div. Feb. 5, 2025) (collecting cases)).

4. Briefing of the Parties' Objections to the R&R in the *Bayamón* case was completed on May 2, 2025, and the Objections are now *sub judice* before Judge Carreño-Coll.

5. Defendants respectfully request that this Court stay all proceedings in this case, including the Referral Order, pending the issuance of a final determination by the Court in the *Bayamón* case on the Objections to the R&R and the Motions to Dismiss and Motions for Judicial Notice filed in that case.<sup>1</sup>

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<sup>1</sup> This motion is submitted without waiving any arguments in *Defendants' Joint Response to Order of May 29, 2024*, Dkt. 69 in this case, or *Defendants' Supplemental Joint Response in Opposition to the Motion for Consolidation*, Dkt. 310 in the *Bayamón* case. As explained more fully therein, Defendants believe that dismissal forthwith is warranted. If the case is not dismissed, Defendants

6. A stay of proceedings is within the inherent power of this Court. *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55, (1936) (district court has the inherent power to manage its docket by staying proceedings); *Marquis v. FDIC*, 965 F.2d 1148, 1154 (1st Cir. 1992) (“It is beyond cavil that, absent a statute or rule to the contrary, federal district courts possess the inherent power to stay pending litigation[.]”). Defendants respectfully submit that the stay requested would promote judicial economy and avoid the potential for inconsistent rulings in this case and the *Bayamón* case.

7. As this Court noted in the Referral Order, there are “similarities between the factual allegations and legal issues in this case and those in” the *Bayamón* case. Indeed, in its Opinion and Order dated April 9, 2025, this Court had previously found that the Complaint in this case “is almost a word-for-word carbon copy of the original complaint filed in” the *Bayamón* case. *Id.* at 3; *see id.* at 15 (“Evidently, San Juan’s complaint is a poorly plagiarized version of the [original] complaint in” the *Bayamón* case.).<sup>2</sup>

8. Further, Plaintiff’s “oppositions to the motions to dismiss [...] are likewise copycat briefs ripped from those filed in” the *Bayamón* case. *Id.* at 18.

9. Because Plaintiff’s allegations, claims and arguments in this case are in large part copycat versions of those made by Plaintiffs in the *Bayamón* case, the issues addressed by the Motions to Dismiss and Motion for Judicial Notice filed by Defendants in this case are

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would not oppose the cases being assigned to a single judge for coordination of future deadlines, but continue to believe that a decision on transfer at this point—before this Court has ruled on the motions to dismiss—is premature. Defendants oppose formal consolidation of the cases because it risks confusing the rights and obligations of the parties and may result in additional litigation.

<sup>2</sup> Plaintiffs in *Bayamón* subsequently filed an Amended Complaint which is the subject of the *Bayamón* R&R.

substantially the same as those addressed by the Motions to Dismiss and Motions for Judicial Notice filed in the *Bayamón* case.

10. For example, Defendants' Motions to Dismiss and Motion for Judicial Notice in this case address the same issues under consideration in the *Bayamón* case; namely, that (a) Plaintiff fails to state a RICO claim; (b) Plaintiff fails to plead an antitrust violation; (c) Plaintiff's claims are barred by the First Amendment and *Noerr-Pennington*; (d) Plaintiff's claims should be dismissed as untimely; (e) Plaintiff fails to establish personal jurisdiction over any Defendant; and (f) Plaintiff's Puerto Rico claims should be dismissed for several reasons, including that the U.S. Constitution, its structure, and core principles of federalism and comity bar application of Puerto Rico law to disputes involving interstate and international emissions.

11. Several of these are issues of first impression in the First Circuit, and they are all currently before Judge Carreño-Coll in the Objections to the R&R.

12. Thus, the Referral Order would require the Magistrate Judge to address, in this case, significant issues that are currently *sub judice* in the *Bayamón* case. Defendants respectfully submit that, in furtherance of the principles of judicial economy and conserving scarce judicial resources, the Referral Order and other proceedings in this case should be stayed. Judge Carreño-Coll's final resolution of the Objections to the R&R and the Motions to Dismiss and Motions for Judicial Notice filed in the *Bayamón* case may inform the final disposition of the Motions to Dismiss and Motion for Judicial Notice in this case.

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order staying the Referral Order and all proceedings in this case pending a final decision by the Court in the *Bayamón* case on the Objections to the Report and Recommendation and the Motions to Dismiss and Motions for Judicial Notice filed in that case.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 6th day of June 2025.

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I hereby certify that, on the above date, I filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel record who are CM/ECF system participants at their corresponding e-mail addresses.

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